

FY 2019 CONGRESSIONAL HEARING

Determination of Geographic Jurisdiction of the Section 404 Program

Background:

- The United States Department of the Army (Army) and the United States Environmental Protection Agency (EPA) established policy and procedures pursuant to which they will determine the geographic jurisdictional scope of waters of the United States for purposes of section 404 and the application of the exemptions under section 404(f) of the Clean Water Act (CWA).
- The policy of the Army and EPA maintains that the Corps continues to perform the majority of the geographic jurisdictional determinations and determinations of the applicability of the exemptions under section 404(f) as part of the Corps role in administering the section 404 regulatory program.
- Special cases may be designated in generic or project-specific situations where significant issues or technical difficulties are anticipated or exist, concerning the determinations of the geographical jurisdictional scope of waters of the United States for purposes of section 404 and where clarifying guidance is or is likely to be needed.

KEY POINTS:

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- **Ex. 5 Deliberative Process (DP)**
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TALKING POINTS:

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- **Ex. 5 Deliberative Process (DP)**

